



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 19 2018

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6128 2435

Laura Mills, Esq.
Mills, Mills, Fiely & Lucas
101 Central Plaza South
Canton, Ohio 44702

RCRA



Re: US Technology Corporation
**Notice of Non-Compliance with Consent Agreement and Final Order and
Amended Consent Agreement and Final Order**
RCRA-07-2016-0032

Dear Ms. Mills:

On September 21, 2016, the U.S. Environmental Protection Agency entered into the referenced Consent Agreement and Final Order with your client, U.S. Technology Corporation (UST), to effectuate a clean-up of spent blast media illegally stored at a site located in Berger, Missouri. On September 28, 2017, the EPA entered into an Amended CAFO with your client to ensure site security. These CAFOs were issued pursuant to Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a).

Consent Agreement and Final Order

Pursuant to the CAFO, your client agreed to submit to the EPA for review and approval a Work Plan addressing the treatment, sampling, and off-site disposal of all of the SBM stored at the site, and a site-specific Quality Assurance Project Plan. While your client submitted a Work Plan and QAPP to the EPA, neither met the standards set forth in paragraph 7 of the Final Order portion of the CAFO. The EPA provided written comments on the Work Plan to you and your client on September 12, 2017. During a phone call on November 22, 2017, Ray Williams of UST requested that the EPA allow him to revise the Work Plan and QAPP without the assistance of the contractor who prepared the original Work Plan and QAPP. In an effort to move this project forward, the EPA provided Work Plan comments and a draft site-specific QAPP to you and your client on February 15, 2018. With that transmittal, the EPA identified specific issues and deliverables that had to be completed by your client as the generator of the waste. The requested deliverables were significant and called for a well-developed response.

On March 12, 2018, the EPA received a half page, double spaced response to its letter that did not adequately respond to the EPA's comments, did not provide adequate information regarding underlying hazardous constituents, and did not provide an approvable Work Plan nor QAPP. By letter dated March 23, 2018, the Agency again requested the submission of an approvable Work Plan and the other deliverables identified in paragraph 7 of the Final Order. The timeframe set forth in that letter for the



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submission of these documents has expired and the EPA has not received a response from you or your client. We believe that Mr. Williams' submittals demonstrate that he lacks the ability to successfully revise these documents and conduct, or oversee the conduct of, the required response action at the site.

Amended Consent Agreement and Final Order

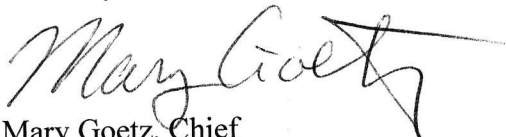
Pursuant to the Amended CAFO, your client agreed to ensure that the site remained secure until the CAFO is terminated. These actions included, but are not limited to, ensuring that the perimeter of the facility is secured, conducting weekly inspections of facility security, and the submittal to the EPA of copies of those inspections. UST was also required to take immediate actions if site security is compromised (including notifying the EPA and physically re-securing the building), conduct weekly inspections of the SBM to ensure that it has not spilled, take immediate actions if the SBM is spilled (including notification to the EPA and submitting a plan for clean-up), and post no trespassing signs.

The EPA has contacted you, as legal representative for UST, almost weekly to obtain information regarding site security, how spilled material will be cleaned up, and what efforts have been made to secure the site. Information provided to the EPA has been inadequate. While the EPA recognizes that some inspections may have occurred, the building remains largely unsecured as required by the Amended CAFO.

Accordingly, the EPA considers your client, UST to be in non-compliance with the CAFO, Amended CAFO, RCRA and its implementing regulations.

We encourage you to give this matter your prompt attention and request that you contact Kelley Catlin, the EPA attorney assigned to this matter at (913) 551-7110 or catlin.kelley@epa.gov, to discuss bringing your client into compliance and avoiding potential enforcement or becoming subject to response costs.

Sincerely,



Mary Goetz, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

cc: Mr. Ray Williams, U.S. Technologies (via certified mail)
Kathy Flippin, MDNR (via email)
Beth Koesterer, EPA (via email)
Kelley Catlin, EPA (via email)